

CERTIFICATE OF MAILING

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Attorney Docket No. RXSD 1000-1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Inventor(s): VINCENT PLUVINAGE et al

Application No.: 09/407,751

Filed: 28 September 1999

Title: **System and Method for Delivering Customized
Audio Data**

)
)
) Art Unit: Unknown

)
) Examiner: Unassigned

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

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INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §1.97

Listed on attached Form PTO-1449 is information known to applicant(s). A copy of each listed publication and U.S. and foreign patent, except for pending U.S. applications, is being submitted herewith, along with a concise explanation of information in a foreign language, if any, pursuant to 37 C.F.R. §1.97-1.98.

Applicants respectfully request that the listed information be considered by the Examiner and be made of record in the above-identified application. The Examiner is requested to initial the enclosed form PTO-1449 return it in accordance with MPEP §609.

This statement is not intended to represent that a search has been made or that the information cited in the statement is, or is considered to be, material to patentability as defined in §1.56.

X This statement qualifies under 37 C.F.R. §1.97, subsection (b) because (check all that apply):

- (1) It is being filed within 3 months of the application filing date
-- OR --

— (2) It is being filed within 3 months of entry of a national stage

-- OR --

X (3) It is being filed before the mail date of the first Office Action on the merits.

— 37 C.F.R. §1.97(c). If this statement is being filed after the latest of: (1) three months beyond the filing date of a national application; (2) three months beyond the date of entry of the national stage as set forth in §1.491 in an international application; or (3) the mailing date of a first Office action on the merits, but before the mailing date of the earlier of a final office action under §1.113 or a notice of allowance under §1.311, then:

— a certification as specified in §1.97(e) is provided below; or

— a fee of \$220.00 as set forth in §1.17(p) is authorized below, enclosed, or included with the payment of other papers filed together with this statement.

— 37 C.F.R. §1.97(d). If this statement is being filed after the mailing date of the earlier of a final office action under §1.113 or a notice of allowance under §1.311, but before payment of the issue fee, then:

A. a certification as specified in §1.97(e) is completed below; **and**

B. a petition under 37 C.F.R. §1.97(d) requesting consideration of this statement is submitted herewith; **and**

C. a fee of \$130.00 as set forth in §1.17(i)(1) is authorized below, enclosed, or included with the payment of other papers filed together with this statement.

X **Fee Authorization.** The Commissioner is hereby authorized to charge the above-referenced fees of \$ _____ and charge any additional fees or credit any overpayment associated with this communication to Deposit Account No. 50-0869 (Docket No. RXSD 1000-1). A duplicate copy of this authorization is enclosed.

Respectfully submitted,

HAYNES & BEFFEL LLP

Date: 13 April 2000

By: 

Mark A. Haynes.

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